



Bureau of TennCare Policy Manual

Policy No. : HIP 06-016
Subject: Request to Amend Enrollee Records
Date: September 1, 2006
Approved by: <i>Dawn J. Gordon S, M</i> Date: 9/1/06

PURPOSE OF POLICY

This policy addresses how the Bureau of TennCare (the Bureau) will provide an Enrollee with the right to request to amend his or her record as required by The Health Insurance Portability and Accountability Act of 1996 (HIPAA).

POLICY

The Bureau will promptly respond to enrollee requests to amend the record. The Bureau will amend the record when required by HIPAA or other bureau policies. The Bureau will provide enrollees with all the privacy rights granted by HIPAA and by federal and state laws and regulations.

DISCUSSION & LEGAL BASIS

Enrollees have a right to request an amendment to their protected health information if they believe information contained within their record is false.

While enrollees may *request* an amendment, the Bureau does not have to comply with the request in certain circumstances:

- a. if the information was not created by the Bureau or is not part of the enrollee's record, the Bureau may deny the request;
- b. if the Bureau determines that the record is complete and accurate or that the enrollee does not have a right to access the information, the Bureau may deny the request.

PROCEDURE

1. The Bureau Privacy Officer is responsible for receiving and processing requests to amend an enrollee's PHI or record. Requests to Amend should be sent to:

TennCare Privacy Office
Attn: Privacy Officer
P.O. Box 20007
Nashville TN 37202
(615) 507-6830
(866) 797-9469

2. The Bureau must notify the enrollee of acceptance or denial of his or her request to amend within sixty (60) days of the request. In the event the Bureau is unable to act on the request to amend within sixty (60) days, the time to act may be extended one time for an additional thirty (30) days, provided the Bureau notifies the enrollee in writing of the cause for the delay and the date by which the Bureau will act on the request.
3. If the Bureau accepts all or part of the request to amend, it shall make the appropriate amendment to the enrollee's PHI by no less than identifying the records within the enrollee's PHI that are affected by the amendment or provide the enrollee with access to the amended record. The Bureau must notify its business associates who have access to and may have relied on the enrollee's PHI or record. In addition, if the Enrollee requests, the Bureau will notify other persons who may have the PHI if identified by the Enrollee.
4. If the Bureau denies part or all of the request to amend, it must notify the enrollee of the reason for denial. Enrollees have a right to disagree with the Bureau's denial of the request to amend by submitting a written statement stating the basis of the disagreement to the Privacy Officer. If the enrollee does not submit a written statement disagreeing with the denial, the enrollee may request that the Bureau include the request to amend and the denial within the enrollee's record. The Bureau may send the enrollee a written rebuttal in response to the enrollee's written statement of disagreement with the Bureau's denial of the enrollee's request to amend.
5. If the Bureau is notified by a business associate that an enrollee's PHI or record requires amendment, the Bureau shall comply with the request to amend.
6. In accordance with applicable law, all documents related to the above, including requests to amend, written acceptance or denials, written statements of disagreement, and rebuttal statements shall be made a part of the enrollee's PHI or record.

7. Enrollees have the right to file a complaint regarding the subject matter of this policy by contacting the following:

TennCare Privacy Office
Attn: Privacy Officer
P.O. Box 20007
Nashville TN 37202
(615) 507-6830
(866) 797-9469

OR

Region IV, Office of Civil Rights, Medical Privacy, Complaint Division
U.S. Department of Health and Human Services
Atlanta Federal Center, Suite 3B70
61 Forsyth Street SW, Atlanta, GA 30303-890
(404) 562-7886

DEFINITIONS

Enrollee: means those currently enrolled in all categories of TennCare Medicaid and TennCare Standard, including an individual eligible for and enrolled in the TennCare Program or in any Tennessee federal Medicaid waiver program pursuant to Sections 1115 or 1915 of the Social Security Act; and, for purposes of the Bureau Privacy policies, the term may also be used to reference one who was previously an enrollee during a period for which there is a privacy request or compliance inquiry.

HIPAA: means Health Insurance Portability and Accountability Act of 1996, for which administrative simplification, privacy and security regulations are codified at 45 CFR §§ 160-164.

OFFICE OF PRIMARY RESPONSIBILITY

TennCare Privacy Officer, Office of General Counsel

RELATED FORMS

Request to Amend
Permission to Release Information

REFERENCES

45 CFR § 164.524
45 CFR § 164.526
45 CFR § 164.530
45 CFR § 160.306